

Exhibit 1

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,
Defendants.

Case No. 2:22-cv-00509-PHX-SRB
(Lead)

AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

**PLAINTIFFS' NOTICE OF DEPOSITION OF SPEAKER BEN TOMA AND
PRESIDENT WARREN PETERSON UNDER RULES 30(b)(1) AND 30(b)(6)**

PLEASE TAKE NOTICE that pursuant to Rules 30(b)(1), and 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned action, by their counsel, will take the deposition(s) of Intervenor-Defendants Ben Toma, Speaker of the Arizona House of Representatives, Warren Petersen, President of the Arizona Senate (collectively "Intervening Legislator Defendants"), and/or person(s) designated by Intervening Legislator Defendants to testify on the behalf of the Arizona House of Representatives and the Arizona Senate, respectively.

Pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Plaintiffs, by their counsel, will take the deposition of Intervening Legislator Defendants.

1 In addition, because Intervening Legislator Defendants have intervened “in their
2 official capacities, and on behalf of their respective legislative chambers,” Dkt. 348 at 4,
3 pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs will take the
4 deposition of Intervening Legislator Defendants or person(s) designated by Intervening
5 Legislator Defendants to testify on the behalf of the Arizona House of Representatives and
6 the Arizona Senate, respectively, regarding the topics described in Exhibit A, attached
7 hereto.

8 The depositions will be taken upon oral examination before an official authorized
9 by law to administer oaths under the Federal Rules of Civil Procedure and will be recorded
10 by stenographic and videographic means. The deposition will be conducted no later than
11 August 4, 2023, at a time and place agreed among the parties.

12 Dated: July 17, 2023 [DRAFT FOR DISCUSSION ON JULY 18 MEET & CONFER]
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Pursuant to Federal Rule of Procedure 30(b)(6), Plaintiffs provide the following description of topics for examination at the deposition of the Intervening Legislator Defendants or person(s) designated by Intervening Legislator Defendants to testify on the behalf of the Arizona House of Representatives and the Arizona Senate, respectively.

DEFINITIONS

Except as specifically defined below, the following terms shall be construed and defined in accordance with the Federal Rules of Civil Procedure, wherever applicable. Any terms not defined shall be given their ordinary meaning.

1. “Arizona Legislature” means the members and staff of the Arizona Senate and Arizona House of Representatives.

2. “Attorney General” means the Arizona Attorney General’s Office and includes the Arizona Attorney General Kris Mayes and her predecessors and successors in their official capacities as Arizona Attorney General, as well as the current and former employees, officers, attorneys, agents, trustees, investigators, representatives, contractors, and consultants of the Arizona Attorney General’s Office.

3. “Challenged Laws” means Arizona House Bill 2492 signed into law by the Governor on March 30, 2022, Chapter 99 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022, and Arizona House Bill 2243 signed into law by the Governor on July 6, 2022, Chapter 370 to Session Laws from the Fifty-fifth Legislature Second Regular Session 2022.

4. “H.B. 2617” means House Bill 2617 introduced into the Arizona House of Representatives on January 31, 2022 from Fifty-Fifth Legislature Second Regular Session 2022.

5. “Governor” means the Office of the Arizona Governor and includes the Arizona Governor Katie Hobbs and her predecessors and successors in their official capacities as Arizona Governor, as well as the current and former employees, officers,

1 attorneys, agents, trustees, investigators, representatives, contractors, and consultants of
2 the Office of the Arizona Governor.

3 6. “Secretary of State” means the Arizona Secretary of State’s Office and
4 includes the Arizona Secretary of State Adrian Fontes and his predecessors and successors
5 in their official capacities as Arizona Secretary of State, as well as the current and former
6 employees, officers, attorneys, agents, trustees, investigators, representatives, contractors,
7 and consultants of the Arizona Secretary of State’s Office.

8 7. “Senate President” means the position and office of the President of the
9 Arizona Senate, including all members and staff of that office.

10 8. “Speaker of the House” means the position and office of the Speaker of the
11 Arizona House of Representatives, including all members and staff of that office.

12 9. “You” and “your” mean Intervening Legislator Defendants Speaker of the
13 House Ben Toma and Senate President Warren Petersen, and include any successors to the
14 positions of Speaker of the House or the Senate President; any predecessors occupying
15 those offices since January 1, 2020; any past and present employees, staff, agents, assigns,
16 and representatives of the Speaker of the House or the Senate President; and any other
17 persons or entities that, at any time, acted on behalf or for the benefit of the Speaker of the
18 House or the Senate President.

19 **DEPOSITION TOPICS**

20 1. The Arizona Legislature’s drafting, introduction, amendment, passage, and
21 enactment of the Challenged Laws, including the committee and procedural process for the
22 Challenged Laws, as well as the attempted passage of H.B. 2617.

23 2. The Arizona Legislature’s concerns, if any, about misconduct, fraud, election
24 security, or a lack of voter confidence in election integrity related to citizenship, voters’
25 residences, or proof of citizenship or residential addresses in voter registration, and any
26 evidence considered by or provided to the Legislature purporting to substantiate such
27
28

1 concerns, which supported the introduction, passage, and/or enactment of the Challenged
2 Laws.

3 3. Instances in which the Arizona Legislature has identified, was aware of, or
4 was provided evidence of a non-U.S. citizen having registered to vote in Arizona, which
5 supported the introduction, passage, and/or enactment of the Challenged Laws.

6 4. Instances in which the Arizona Legislature has identified, was aware of, or
7 was provided evidence of a non-U.S. citizen having voted in Arizona, which supported the
8 introduction, passage, and/or enactment of the Challenged Laws.

9 5. The Arizona Legislature's consideration (if any) of whether the Challenged
10 Laws would impact particular groups of voters more than others, such as particular racial
11 or ethnic groups (including Native Americans), naturalized citizens, disabled voters, or
12 voters of particular age groups.

13 6. Communications (if any) between members of the Arizona Legislature and
14 Executive Branch officials (including without limitation the Governor, Secretary of State,
15 and Attorney General), their employees or campaign staff, federal or state legislators,
16 county election officials, or any other public officials discussing the purpose or potential
17 effects of the Challenged Laws.

18 7. Communications (if any) between members of the Arizona Legislature and
19 non-public officials, including individual constituents and third-party organizations
20 (including but not limited to the Arizona Free Enterprise Club), regarding the purpose or
21 potential effects of the Challenged Laws.

22 8. Opinions, guidance, or testimony provided to the Arizona Legislature
23 regarding the legality of the Challenged Laws, including, but not limited to, preemption of
24 the Challenged Laws by the National Voter Registration Act (NVRA), excluding those
25 protected by the attorney-client privilege.
26
27
28

9. The objectives motivating the Arizona Legislature's introduction, passage, and enactment of the Challenged Laws, as well as any state interest believed to be advanced by the Challenged Laws.

/s/ Christopher Dodge

HERRERA ARELLANO LLP

Roy Herrera (AZ Bar No. 032901)
Daniel A. Arellano (AZ Bar. No. 032304)
Jillian L. Andrews (AZ Bar No. 034611)
530 East McDowell Road
Suite 107-150
Phoenix, Arizona 85004-1500
Phone: (602) 567-4820
roy@ha-firm.com
daniel@ha-firm.com
jillian@ha-firm.com

ELIAS LAW GROUP LLP

Marc E. Elias*
Elisabeth C. Frost*
Christopher D. Dodge*
Mollie DiBrell*
Alexander F. Atkins*
Daniela Lorenzo*
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001
Phone: (202) 968-4513
Facsimile: (202) 968-4498
melias@elias.law
efrost@elias.law
cdodge@elias.law
mdibrell@elias.law
aatkins@elias.law
dlorenzo@elias.law

Attorneys for Mi Familia Vota and Voto Latino

/s/ Danielle Lang

BARTON MENDEZ SOTO

James Barton (AZ Bar No. 023888)
401 W. Baseline Road
Suite 205
Tempe, AZ 85283
480-418-0668
james@bartonmendezsoto.com

CAMPAIGN LEGAL CENTER

Danielle Lang*
Jonathan Diaz*
Molly Danahy*
Hayden Johnson*
Nicole Hansen*
1101 14th St. NW, Suite 400
Washington, D.C. 20005
(202) 736-2200
dlang@campaignlegalcenter.org
jdiaz@campaignlegalcenter.org
mdanahy@campaignlegalcenter.org
hjohnson@campaignlegalcenter.org

**DEPARTMENT OF JUSTICE
SAN CARLOS APACHE TRIBE**

Alexander B. Ritchie
(AZ Bar No. 019579)
Attorney General

Chase A. Velasquez*
 NM Bar No. 019148
 Assistant Attorney General
 Post Office Box 40
 16 San Carlos Ave.
 San Carlos, AZ 85550
 Alex.Ritchie@scat-nsn.gov
 Chase.Velasquez@scat-nsn.gov

FREE SPEECH FOR PEOPLE

Courtney Hostetler* (MA# 683307)
 John Bonifaz* (MA# 562478)
 Ben Clements* (MA# 555082)
 Ronald Fein* (MA# 657930)
 1320 Centre Street, Suite 405
 Newton, MA 02459
 (617) 249-3015
 chostetler@freespeechforpeople.org
 jbonifaz@freespeechforpeople.org
 bclements@freespeechforpeople.org
 rfein@freespeechforpeople.org

nhansen@campaignlegalcenter.org

MAYER BROWN LLP

Lee H. Rubin* (CA# 141331)
 Two Palo Alto Square, Suite 300
 3000 El Camino Real
 Palo Alto, CA 94306-2112
 (650) 331-2000
 lrubin@mayerbrown.com

Gary A. Isaac* (IL# 6192407)
 Daniel T. Fenske* (IL# 6296360)
 Jed W. Glickstein* (IL# 6315387)
 William J. McElhaney, III*
 (IL# 6336357)
 71 S. Wacker Drive
 Chicago, IL 60606
 (312) 782-0600
 dfenske@mayerbrown.com
 gisaac@mayerbrown.com
 jglickstein@mayerbrown.com

Rachel J. Lamorte* (NY# 5380019)
 1999 K Street NW
 Washington, DC 20006
 (202) 362-3000
 rlamorte@mayerbrown.com

Attorneys for Living United for Change in Arizona, League of United Latin American Citizens, Arizona Students' Association, ADRC Action, Inter Tribal Council of Arizona, Inc., San Carlos Apache Tribe, and Arizona Coalition for Change

/s/ Jon Sherman

**ARIZONA CENTER FOR LAW
 IN THE PUBLIC INTEREST**

Daniel J. Adelman
 352 E. Camelback Rd., Suite 200
 Phoenix, AZ 85012
 danny@aclpi.org
 (602) 258-8850

**ARNOLD & PORTER
 KAYE SCHOLER, LLP**

FAIR ELECTIONS CENTER

Jon Sherman*
 Michelle Kanter Cohen*
 1825 K St. NW, Ste. 450
 Washington, D.C. 20006
 jsherman@fairelectionscenter.org
 mkantercohen@fairelectionscenter.org
 (202) 331-0114

ARNOLD & PORTER

Steven L. Mayer*
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111
Steve.Mayer@arnoldporter.com
(415) 471-3100

**ARNOLD & PORTER
KAYE SCHOLER, LLP**

Leah R. Novak*
250 West 55th Street
New York, NY 10019
Leah.Novak@arnoldporter.com
(212) 836-8000

KAYE SCHOLER, LLP

Jeremy Karpatkin*
John A. Freedman*
Erica McCabe*
601 Massachusetts Ave., N.W.
Washington, D.C. 20001
Jeremy.Karpatkin@arnoldporter.com
John.Freedman@arnoldporter.com
Erica.McCabe@arnoldporter.com
(202) 942-5000

*Attorneys for Poder Latinx, Chicanos Por La Causa, and Chicanos Por La Causa
Action Fund*

/s/ Bruce Samuels

PAPETTI SAMUELS

WEISS MCKIRGAN LLP

Bruce Samuels (AZ Bar No. 015996)
Jennifer Lee-Cota (AZ Bar No. 033190)
bsamuels@pswmlaw.com
jleecota@pswmlaw.com
Scottsdale Quarter
15169 North Scottsdale Road
Suite 205
Scottsdale, AZ 85254
+1 480 800 3530

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

Seth P. Waxman*
Daniel S. Volchok*
Christopher E. Babbitt*
seth.waxman@wilmerhale.com
daniel.volchok@wilmerhale.com
christopher.babbitt@wilmerhale.com
2100 Pennsylvania Avenue N.W.
Washington, D.C. 20037
+1 202 663 6000 (telephone)
+1 202 663 6363 (facsimile)

Attorneys for the Democratic National Committee and Arizona Democratic Party

/s/ Amit Makker

LATHAM & WATKINS LLP

Sadik Huseny*

sadik.huseny@lw.com

Amit Makker*

amit.makker@lw.com

505 Montgomery Street, Suite 2000

San Francisco, CA 94111-6538

Telephone: (415) 391-0600

Facsimile: (415) 395-8095

SPENCER FANE

Andrew M. Federhar

(AZ Bar No. 006567)

afederhar@spencerfane.com

2415 East Camelback Road, Suite 600

Phoenix, AZ 85016

Telephone: (602) 333-5430

Facsimile: (602) 333-5431

*Attorneys for Plaintiff Arizona Asian American Native Hawaiian and Pacific Islander
for Equity Coalition*

/s/ Ernest Herrera

**MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL
FUND**

Ernest Herrera*

Erika Cervantes*

634 South Spring Street, 11th Floor

Los Angeles, CA 90014

Telephone: (213) 629-2512

Facsimile: (213) 629-0266

eherrera@maldef.org

ecervantes@maldef.org

Attorneys for Promise Arizona Plaintiffs

/s/ Allison Neswood

OSBORN MALEDON, P.A.

David B. Rosenbaum

AZ No. 009819

Joshua J. Messer

**ASIAN AMERICANS ADVANCING
JUSTICE-AAJC**

Niyati Shah*

nshah@advancingjustice-aaajc.org

Terry Ao Minnis*

tminnis@advancingjustice-aaajc.org

1620 L Street NW, Suite 1050

Washington, DC 20036

Telephone: (202) 296-2300

Facsimile: (202) 296-2318

ORTEGA LAW FIRM

Daniel R. Ortega Jr.

361 East Coronado Road, Suite 101

Phoenix, AZ 85004-1525

Telephone: (602) 386-4455

Email: danny@ortegalaw.com

NATIVE AMERICAN RIGHTS FUND

Allison A. Neswood*

CO No. 49846

neswood@narf.org

AZ No. 035101
2929 North Central Avenue, 21st Floor
Phoenix, Arizona 85012-2793
(602) 640-9000
drosenbaum@omlaw.com
jmesser@omlaw.com

**LAWYERS COMMITTEE FOR
CIVIL RIGHTS UNDER LAW**

Ezra Rosenberg*
DC No. 360927, NJ No. 012671974
Jim Tucker**
AZ No. 019341
Ryan Snow*
1500 K Street NW, Suite 900
Washington, DC 20005
(202) 662-8600 (main)
erosenberg@lawyerscommittee.org
jtucker@lawyerscommittee.org
rsnow@lawyerscommittee.org

***Admitted in Arizona, D.C. and Nevada.*

GILA RIVER INDIAN COMMUNITY

Thomas L. Murphy
AZ No. 022953
Javier G. Ramos
AZ No. 017442
Post Office Box 97
Sacaton, Arizona 85147
(520) 562-9760
thomas.murphy@gric.nsn.us
javier.ramos@gric.nsn.us
*Representing Gila River Indian
Community Only*

Michael S. Carter
AZ No. 028704, OK No. 31961
carter@narf.org
Matthew Campbell*
NM No. 138207, CO No. 40808
mcampbell@narf.org
Jacqueline D. DeLeon*
CA No. 288192
jdeleon@narf.org
1506 Broadway
Boulder, CO 80301
(303) 447-8760 (main)

Samantha B. Kelty
AZ No. 024110, TX No. 24085074
kelty@narf.org
950 F Street NW, Suite 1050,
Washington, D.C. 20004
(202) 785-4166 (direct)

TOHONO O'ODHAM NATION

Howard M. Shanker (AZ Bar 015547)
Attorney General, Tohono O'odham
Nation
Marissa L. Sites (AZ Bar 027390)
Assistant Attorney General, Tohono
O'odham Nation
P.O. Box 830
Sells, Arizona 85634
(520) 383-3410
Howard.Shanker@tonation-nsn.gov
Marissa.Sites@tonation-nsn.gov
*Representing Tohono O'odham Nation
Only*

*Attorneys for Tohono O'odham Nation, Gila River Indian Community,
Keanu Stevens, Alanna Siquieros, and LaDonna Jacket*

** Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on July XX, 2023, I served the foregoing **PLAINTIFFS'**
NOTICE OF DEPOSITION OF SPEAKER BEN TOMA AND PRESIDENT
WARREN PETERSON UNDER RULE 30(b)(1) AND 30(b)(6) on counsel of record
for all parties by email.

Dated: July XX, 2023